IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3003 OF 2005
IN
SUIT NO.2745 OF 2005

Jasbhai Somabhai Patel ..Plaintiff

Vs.

Ashapura Developers ..Defendants

Mr.M.V.Pandey for the plaintiff

Mr.Bipin Joshi for the defendants

CORAM : S.U.KAMDAR, J
DATED : 13TH OCTOBER, 2005

P.C.:

. The counsel for the defendants states that all the flats are already been occupied. However, he states that Flat No.701 which has been allotted to his son-in-law will be kept reserved for the plaintiff if he succeeds in the present proceedings. The defendant undertakes to this court that he shall not alienate, encumber or create third party rights in respect of the said flat no.701 and his son-in-law also gives a similar undertaking. Undertakings are accepted. In so far as the present suit is concerned, dispute

essentially is only in respect of area of a flat which is yet to be handed over by defendants to plaintiff though it is an admitted position that out of total acres plaitniff is entitled to he has already received substantial area of about 3000 sq.ft. I am of the opinion that at ad interim stage this only only can be passed in view of the fact that other flats are already occupied and no further orders are possible to be passed at this stage. Motion disposed of accordingly. No order as to costs.